

**DEFINITION OF THEFT:**

- 528.01 Theft is obtaining control over the property of another with the intent of permanently depriving the owner of such property.
- 528.02 The following shall be considered prima facie evidence of intent to deprive the owner of possession, use or benefit of rented/leased property:
- A. The giving of false identification or fictitious name, address or place of employment at the time the rental or lease agreement is signed by the person renting/leasing the property.
 - B. The failure of the person to return the rented or leased property within seven days of receiving a written notice from the owner to return the property, and the date agreed upon to return the property in the rental/lease agreement is past due by one business day.
- NOTE: The word "notice" shall be construed to mean notice in writing and such notice in writing shall be presumed to have been given two (2) days following its deposit in registered or certified United States Mail, addressed to the person who has rented/leased the property as it appears in the information supplied by him/her at the time the property was rented or leased, or his/her last known address.
- 528.03 Officers need not make cases on thefts of rented/leased property involving the failure of the person to return said property and the person renting/leasing the property provided valid identification at the time control was obtained over the property, unless requested. Officers then will make a Miscellaneous Report documenting the Civil Matter on behalf of the citizen.
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- 528.04 Officers will make cases on thefts of rented/leased property when there is evidence that false identification, fictitious name/address/place of business was given at the time control was obtained over the property. These cases will be classified as Larceny—all Other Larcenies [0680].
- 528.05 When making a case on the theft of rented/leased property, officers shall submit the following items as physical evidence in accordance with Policy 708-Physical Evidence, Found and Personal Property:
- A. Original rental or lease agreement.
 - B. Copy of written notice sent to the person named in the rental/lease agreement.
 - C. Return receipt of certified or registered letter giving written notice to return the property.
- 528.06 In all cases of theft of rental/leased property, officers will include in their report a complete description of the property which shall include any brand name, model, serial numbers and the name of the business employee who rented/leased the property. If possible, a photocopy of the rental agreement should be attached to the original offense report.